

## **Attachment 2 of Staff Report**

### **Comments and Responses: Water Board Staff Response to Public and City Comments for City of Salinas Storm Water Management Plan**

#### **I. Introduction**

The City of Salinas submitted a June 2007 Draft SWMP to the Water Board for approval, as required by the City's 2005 NPDES Waste Discharge Requirements for City of Salinas Municipal Storm Water Discharges ("Permit"). Water Board staff (WB staff, or "staff") reviewed the June 2007 Draft SWMP, and created a "Table of June 2007 SWMP Analysis and Required Revisions" (referred to as "Required Revisions", Attachment 4 to the Staff Report). WB staff posted the June 2007 Draft SWMP and the Required Revisions to the Water Board website for a 60-day public review and comment period. WB staff posted all comments received, and opened up a 15-day, public comment period for response to comments received. WB staff has responded to the comments, below, and considered the second comment responses prior to drafting Resolution R3-2008-0012 which contains staff's recommendations for required SWMP modifications for Water Board's consideration at the February 2008 Board meeting.

#### **II. Public Comments**

##### **A. Organization and Modifications**

Comment letter subjects and responses presented by WB staff are grouped; the subjects garnering the most comments are presented first. The commenter (see abbreviations below), a paraphrase of the comment, and reference location are provided, the comments are followed by WB staff response. Some comments and responses refer to requirements and discussions in the "Required Revisions", which is Attachment 4 of the Staff Report, and was released for public review when the SWMP was posted. WB staff have considered all public and City comments, and have modified sections of the Required Revisions in response to some of the comments. Final recommended changes to the SWMP are located in the Resolution presented to the Water Board for adoption (Attachment 1 of staff report). Resolution items are referenced in this Response to Comments document by placing the Resolution item number in parentheses after WB staff responses that conclude with required SWMP modifications (e.g. see WB Response #11). Additionally, staff retained 42 of the Required Revisions, and included them as Resolution items 2.n through 2.ccc (listed in Attachment A of the Resolution). Staff found all of the City's Dec. 3, 2007

responses (Attachment 9 to the Staff Report) acceptable except for the ones discussed in this document.

Commenters:

First comment period:

Monterey County Water Resources Agency (MCWRA), letter 11/28/07, Attachment 6 of Staff Report

Natural Resources Defense Council (NRDC), letter 11/29/07, Attachment 7 of Staff Report

Monterey Coastkeeper (MCC), letter 12/3/2007, Attachment 8 of Staff Report

The City of Salinas (City), letter 12/3/07, Attachment 9 of Staff Report

Second comment period:

U.S. National Oceanic and Atmospheric Administration (NOAA), letter 12/7/07, Attachment 10 of Staff Report

Natural Resources Defense Council (NRDC), letter 12/20/07, Attachment 11 of Staff Report

Monterey Coastkeeper (MCC), letter 12/20/2007, Attachment 12 of Staff Report

The City of Salinas (City), letter 12/20/07, Attachment 13 of Staff Report

## **B. Comments and Responses**

### **1. Low Impact Development (LID) Design Standards and Technical Memorandum**

#### **1.a Future/Finalized LID Requirements**

Comment #1a - Current documents may reference Low Impact Development (LID), but do not contain actual LID requirements. The Development Standard Plan is “unmanageably long” and does not contain actual requirements. How do all of the referenced documents fit together to promote an integrated LID scheme? City is relying on future documents. When will LID revisions be finished? (NRDC, main points of entire letter, and MCC, pg. 6)

Comment #1b – “...the consistent reference to documents that have not yet been adopted makes it very hard to discern if any actual plan has been made to minimize the impact of future growth.” (MCC, pg. 6, Element Four discussion)

WB Staff Response #1 – As the commenters point out, there are a number of documents that are referenced as pertaining to LID. There also

seems to be some confusion as to what the process is for adopting and implementing LID requirements. We have provided a table below which lists the relevant documents, and gives brief descriptions of each. The primary document which will provide the specific LID requirements is the upcoming Stormwater Development Standards. The Stormwater Development Standards are being created by the City, with stakeholder input, and are based on the current LID Development Standards Plan (emphasis added, released by Kennedy/Jenks, July, 2007, and posted to the WB website), and LID standards from other published sources. The City has committed, in the SWMP and through testimony to the Water Board, that they would submit the Draft Stormwater Development Standards to the WB staff for review by December 2007. In fact, these were submitted on December 31, 2007.

Water Board staff considers the application of hydromodification and LID principles to be a critical element of the City's program responsibilities. The SWMP includes a series of BMPs that revise the General Plan to promote LID, and to write a Storm Water Ordinance and Storm Water Development Standards to require LID techniques. Therefore, these BMPs will meet the requirement to apply comprehensive hydromodification controls and LID design principles to all new development and redevelopment, provided the City completes the Storm Water Development Standards. The City's Development Standards is important because it will be the primary mechanism for implementing the Water Board's requirements regarding development and protection of water quality.

The public's specific comments are more applicable to the Storm Water Development Standards rather than the SWMP and, must ultimately, be addressed when the standards are proposed and reviewed to comply with the Permit and complete the SWMP. The SWMP lays out the process of the City producing draft Stormwater Development Standards by December 2007 (which the City submitted to the Water Board on December 31, 2007), and which will be reviewed by the Water Board staff for tentative approval. After Water Board staff deems the draft acceptable (which may involve revisions prior to approval), the draft Storm Water Development Standards will be posted on the Water Board's website for public comment for a 30-day period. Staff anticipates posting in March 2008. The draft will be presented at the soonest appropriate Water Board hearing, and recommended for adoption. If the City's Draft Development Standards are not acceptable, and we are unable to correct the deficiencies quickly, staff will present conditioned Development Standards to the Water Board. If adopted by the Water Board, the Development Standards and any added conditions will be enforceable based on Permit requirements. Staff anticipates that the Development Standards will be recommended to the Board for approval in July 2008 (This Board hearing is scheduled to be in Watsonville.) If adopted, the Stormwater Development Standards will become part of the City's SWMP and enforceable pursuant to the Permit.

Water Board staff is concerned that the City's process of drafting the Development Standards has been drawn out over time, while in the meantime, development projects continue to be designed and built that may not be in compliance with the City's permit, an approved SWMP, or the approved Development Standards. This issue is critical in Salinas, as the City's current development plans include approximately 3,400 acres of land, 15,100 new homes, and 16 million square feet of non-residential development<sup>1</sup>.

Water Board staff recognize this level of development represents a significant potential impact to water quality, beneficial uses, and the biological and physical integrity of the lower Salinas River Watershed. We are currently developing parameters and thresholds for hydrologic controls, e.g., volume and rate of pre- and post-development runoff, that we will require of all municipal storm water programs in the Central Coast Region. These hydrologic control parameters will apply equally to Phase I and Phase II MS4s, including those areas identified as the City's future growth areas. Water Board staff will be informing all Phase I and Phase II MS4s of these requirements on or before February 15, 2008. Water Board staff will evaluate the Development Standards for consistency with these requirements.

The Permit, Attachment 4, section III.b requires the City to submit a Development Standards Plan to the WB staff for public posting and approval. The City and the WB staff agree with the commenters that the Development Standards Plan is unmanageably long, and does not contain specific language on what is required. Since the Development Standards Plan is not an authoritative document, and since City and WB staff agree (as did MCC, pg. 8) that the City's time is better spent on finalizing a Stormwater Development Standard (which will be authoritative, and will state development requirements pertaining to LID), the City included a BMP to submit a Stormwater Development Standard to the WB for approval, instead of finalizing the Development Standards Plan.

The Stormwater Development Standards will be posted for public comment prior to adoption. Essentially, WB staff and the City are agreeing to apply the Development Standards Plan process to the Stormwater Development Standards.

Regarding the location of actual LID requirements, the City has stated multiple times that they prefer to include all LID requirements in one location, and this will be in the Stormwater Development Standards (i.e. LID standards). The City has committed to finishing Stormwater Development Standards by Dec 2007. We agree that it is difficult to understand how the City's other documents, including the Standard Specifications, Design Standards, and Standard Plans (2008 Draft) document, which do not include LID requirements, will be integrated with the upcoming Stormwater Development Standards, however this is the method the

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<sup>1</sup> City of Salinas Sphere of Influence Amendment and Annexation, LAFCO Pre-Application Information, April 19, 2005

City has decided upon. The Water Board cannot dictate to the City the manner that they must comply with Permit requirements, but the Water Board can, and will, oversee the products of the process that the City chooses and their application. WB staff provided a detailed letter to the City, dated November 15, 2007 (Attachment 2.a of this document), which details the LID-issues that the Water Board is expecting the City to address, including analysis of how the current documents require LID. In this case, the WB staff will be scrutinizing the Stormwater Development Standards for consistency with issues discussed in the November 15, 2007 letter, and to make sure they are adequate and comply with the Permit.

<b>Documents Relating to City of Salinas Stormwater Development Standards (Low Impact Development guidance and requirements)</b>	
<b>Document</b>	<b>Status and Notes</b>
Stormwater Development Standards (which would contain Low Impact Development (LID) standards)	City is planning to deliver a Draft in December 2007. The Standards are to include Low Impact Development (LID) and other related design standards required by the City's Stormwater Permit. This document will contain the City's LID requirements.
Low Impact Development Standards Plan (DSP)	Draft Plan was created by Kennedy Jenks Consultant with the WB and City's input. The Permit process intended this document to be presented by the City to the WB staff for approval, followed by City adoption. The DSP was to be used to create the Stormwater Development Standards. The City has requested, and the WB staff agreed, to use the un-adopted Draft DSP, along with LID standards from other communities to create the Stormwater Design Standards (described above).
Standard Specifications Design Standards and Standard Plans 2008 Edition (City 2008 Standards) "Preliminary Only, Not for Construction",	City submitted to Water Board Sept 2007. Specifications for grading, landscaping, subbase and paving, drainage and sewer, curbs and sidewalks, and traffic control features.
An Ordinance Amending Chapter 29 of the Salinas City Code Regarding Stormwater Management and Discharge Control, 2007 (Stormwater Ordinance)	Salinas City Council adopted this ordinance in summer 2007. The ordinance provides the City's authority, by reference, for the upholding the upcoming Stormwater Development Standards
Standards to Control Excavations, Cuts, Fills, Clearing, Grading, Erosion and Sediment, 2007 (Grading Standards)	Salinas City Council adopted this ordinance in summer 2007. The standards mention LID, but do not describe or elaborate on the methodology.

<p>The Regional Stormwater Analysis for Salinas East Future Growth Area, May 2007 (East FGA report); and  The Regional Stormwater Analysis for Salinas East Future Growth Area, May 2007 (West FGA report); and  Regional Watershed Analysis – Hydrologic Mitigation, March 2007 (PACE report)</p>	<p>City provided a draft of this report in September 2007 to the Water Board as an informational item. This is the initial step in the developer's considering how storm water will be handled. The WB staff provided comments regarding these documents to the City in a Nov. 15, 2007 letter. The City responded with a Dec. 5, 2007 letter to the Water Board E.O. Roger Briggs.</p>
<p>Salinas Storm Water Master Plan</p>	<p>A document which primarily deals with storm water movement and flooding issues. The document focuses on the layout of the current storm water pipe system, and expected impacts from future growth (under a traditional development approach). The document was released in May 2004, prior to the City's 2005 permit.</p>
<p>Salinas General Plan</p>	<p>Contains goals which support LID principles. The City references these in their SWMP.</p>
<p>Kennedy/Jenks Consultants Technical Memorandum 1, Dec. 30, 2006, "Review of City of Salinas Policies and Procedures for Conformance with Low Impact Development (LID) Principles and NPDES Permit Requirements" (Tech Memo 1)</p>	<p>Produced with City's assistance and Water Board funding. Tech Memo 1 provides evaluation and suggestions for the City to modify existing documents to allow LID to be a realistic development option, and to align with the City's permit requirements. In a Sept. 1, 2006 Notice of Violation letter, the Water Board required the City to fully address Technical Memorandum 1.</p>

Comment #2 – City responds to Required Revision No. 19, which directs the City to address the contents of the Kennedy/Jenks Low Impact Development Technical Memorandum. The Technical Memorandum recommends changes to City standards, ordinances, General Plan, and other documents to enable the documents to support and require LID implementation. The City states that on Sept. 25, 2007, Regional Board staff indicated their acceptance of the City's Jan. 30, 2007 response to the Technical Memorandum, and indicated that the City had adequately addressed this Required Revision, and no further action was necessary (City, Response 19).

WB Staff Response #2 - The City's response is inaccurate. WB staff, in the Sept. 25, 2007 phone meeting, acknowledged that the City believed they had adequately addressed Technical Memorandum requirements in their Jan. 30, 2007 letter. WB staff volunteered to revisit the Jan. 30, 2007 letter, and review our Required Revision No. 19. WB staff reviewed the Jan. 30, 2007 letter, and closely analyzed the documents which the City's letter claimed addressed the Technical Memorandum issues. Following our review, WB staff wrote a letter

(Attachment 2.a of this report) to the City that explained concerns in detail, indicated that the questions raised in the Technical Memorandum had not been addressed completely, and provided specific questions and issues that must be addressed during the adoption period of the Stormwater Development Standards. In conclusion WB staff will determine if upcoming Storm Water Development Standards are adequate and comply with the Permit.

### **1.b Anticipated Stormwater Development Standards content**

Comment #3 – Commenters note that the SWMP says upcoming Stormwater Development Standards (LID standards) will have uniform water protection principles, and will also allow for project-by-project decisions based on professional judgment, and will have variances for developers that demonstrate hardship. Commenters question what the City is committing to, and whether the requirements are adequate or enforceable (NRDC pg 4, bullet 5, and MCC pg 6-7 #1, pg. 7 #3, bullet 4).

WB Response #3 - These comments are more appropriately focused on the Stormwater Development Standards rather than on the SWMP and, must ultimately, be addressed when the standards are proposed and reviewed to comply with the Permit and complete the SWMP. WB staff and public will have a future opportunity to review and comment on the standards as explained in previous comment and at end of this one. WB staff finds it reasonable for the City to state in the SWMP that there will be professional judgment and project-specific decisions made during the LID planning and design; by its nature, LID project planning, design, and BMP selection involves a variety of inputs such as topography, soil, land use, economics, public acceptance, safety, traffic, hazardous waste site locations, and so on. The questions that the commenters raise must be addressed during the public participation process for the Stormwater Development Standards adoption. The SWMP lays out the process of the City producing Draft Stormwater Development Standards by December 2007, which will be reviewed by the WB staff for tentative approval. The Draft document will be publicly available, and WB staff commit to posting the Draft upon receipt. After WB staff deem the Draft is acceptable (which may involve revisions prior to approval), the Draft will be open for a WB staff-posted 30-day public comment period. The Draft will be presented at the soonest appropriate Water Board hearing, and recommended for adoption. If adopted, the Stormwater Development Standards will become part of the City's SWMP and enforceable pursuant to the Permit. Also see response to Comment #1.

Comment #4 – Concern that new parking lot designs which address vehicular pollutant source control are ambitious and deserve more discussion (MCC pg 5, bullet 3).

WB Response #4 - The commenter has accurately surmised that designing and implementing changes in the way infrastructure is planned and built will be a large undertaking. From the City's "Implementation Plan" and "Measurable Goal" for this BMP 3.8, WB staff understands that the City is intending on addressing this BMP through the Stormwater Development Standards. These standards will contain the Low Impact Development directives for development as described in BMP 3.8. For more discussion on Stormwater Development Standards, see WB Responses # 2, 3, and 4.

### **1.c Interim LID Requirements**

Comment #5a – What are the design specifications for the interim LID methods the City states are being employed by developers? How do these meet the Permit's standards and SWRCB Order 2000-11? Not clear on current requirements or how interim LID requirements are determined or by whom (NRDC, pg. 4, first bullet).

Comment #5b– Commenter questions City's interim BMP on page 4-34 for development approval prior to having Stormwater Development Standards finalized, and criticizes emphasis on sizing criteria and BMP design (MCC, pg. 8, 1<sup>st</sup> bullet).

WB Response #5 - We believe that in general the commenters have raised valid questions in terms of understanding what the City is requiring of developers now, prior to Stormwater Development Standards, however, these questions do not really fit the question of whether the SWMP is adequate. Exploring the question of what the City is currently requiring, and how these requirements meet the Permit and SWRCB Order 2000-11 better fits into a discussion of Permit compliance. Please see "1.d City missing permit timelines" below in this document. However, despite public's lack of understanding the City's methodology, the City should be credited for gaining LID in current construction projects. WB staff and the City both believe that the content of upcoming Storm Water Development Standards, which will replace the existing interim steps, is more important than clarifying current development LID interim requirements .

The City's Permit requires stormwater flow and/or volume treatment or control. The City's reference to sizing criteria relate to the Permit Attachment 4, Section III.c.iii, which matches the SWRCB Order 2000-11 sizing criteria requirements. The City's current emphasis on adding BMPs that are based in the Development Standards Plan will result in LID methods being included in current development projects. WB staff encourage this, and believe the process of LID BMP use and acceptance will benefit from current BMP requirements, even if the interim requirements have not been perfected into a complete Stormwater Development Standards "package". See also the discussion under "Future/Finalized LID Requirements" as to the reasoning behind using the Draft

Development Standards Plan now, while focusing efforts on finalizing Stormwater Development Standards.

Comment #6 – Commenter questions what the City means by “supporting” the creation of the Development Standards Plan (MCC, pg. 7, #3, 2<sup>nd</sup> and 3<sup>rd</sup> bullets).

WB Response #6- The City is beyond “supporting” the creation of the Development Standards Plan. The Development Standards Plan has already been created, and the City participated in the creation along with WB staff, and Kennedy/Jenks Consultants.

#### **1.d City missing permit timelines**

Comment #7 – Commenter is concerned that the City has not done much with respect to requiring LID or updating development standards. The commenter points out that City has not released Stormwater Development Standards, as required by the Permit after the Development Standards Plan was finalized (NRDC, pg. 1, 3<sup>rd</sup> paragraph, and pg. 2, last bullet).

WB Response #7 - The commenter accurately points out that the City has missed the deadlines for Permit-required activities. Although the City is behind on meeting these deadlines, this is not a flaw in the Draft SWMP which is now presented for adoption. Nonetheless, we would like to address the point made about the City’s tardiness. WB staff is not currently proposing to enforce for failure to meet these deadlines. At three previous Water Board meetings WB and City staffs have presented actions that the city is taking, reasons for City’s delinquency, and discussed pros and cons of taking formal enforcement (beyond NOVs) at that time. After hearing staff, City, and public comments, the Board members did not support WB staff’s July 6, 2007 recommendation of proceeding with preparing a formal enforcement case. The overriding thought was that the City is proceeding with Permit requirements, and enforcement would slow or stop that progress as the City responded to the enforcement case; the redirection of activity toward enforcement was not worth the slowing or cessation of more direct, currently-occurring water quality beneficial activities. To review the Board meeting discussions, please see Board meeting minutes and staff reports for Sept. 7, 2006, item No. 14, Feb 9, 2007, item No. 11, and July 6, 2007, item No. 9, posted to: <http://www.waterboards.ca.gov/centralcoast/Board/Meetings/index.htm>

#### **2. Public Education and Outreach**

Comment #8 – The documents, guidelines, and regulations that affect the Development community are complex and hard to find. The commenter raises concern that a specific public outreach program plan for the Development Community needs to be outlined in the SWMP (MCC, pg. 10, #1).

WB Response #8 - The SWMP pg 6-4, last paragraph describes the three major topics of the outreach program. These include: 1) Salinas-specific statutes and regulations affecting the target audience, 2) guidance documents available to the development community to help them meet the regulations, and 3) penalties for non-compliance. This section appears to answer the commenter's concerns.

Comment #9 – Commenter suggests the SWMP needs more detail about the City's plans to expand the current industrial outreach program to a larger segment of industry (MCC, pg. 10, #2).

WB Response #9 - The City has a solid industrial outreach and inspection program that is currently operating, and was lauded during the 2003 Water Board-Tetra Tech audit. The City's SWMP is requiring the current program be expanded to include segments of the commercial and industrial community which the City's Permit identified as requiring greater oversight.

Comment #10 – The commenter critiques the City's use of Appendix D because it is not a developed educational program or enforceable program. However, the commenter does characterize Appendix D as an adequate framework for an educational program (MCC, pg. 10, #2, bullet 1).

WB Response #10 - It appears that the SWMP organization is lending some confusion. Appendix D is cited as a list of BMPs that the City will draw from to create an awareness program for business owners. Scrolling through the related "Implementation Plan" and "Measurable Goals" in Table 6.2 it becomes more clear that the City's overall scheme is to 1) survey businesses to see what practices they are using, and what areas need improvement; 2) produce and present industrial outreach workshops based on the BMPs in Appendix D and target audience needs; 3) conduct individual site visits for high-risk sites and use Appendix D as an educational tool with site owner/operators. We agree with the commenter that Appendix D is a sufficient basis for business outreach and education and find the SWMP plan for outreach sufficient, despite the organization or format of the information.

Comment #11 – The commenter critiques measurable goal of BMP 6.10, which is written as a reporting item (MCC pg. 10, #2, bullet 2). The BMP is to coordinate with school districts to conduct pollutant discharge programs. The measurable goal now reads, "Number of events and/or number of students involved."

WB Response #11 - The comment highlights the fact that the City has committed to reporting on the number of attendees, but has not committed to aiming for a certain number of program attendees . Additionally, as it is written the Measurable Goal does not even guarantee that any events or students will conduct the stenciling activity. Staff recommended an additional required

modification to the SWMP: The City must include a measurable goal that states the minimum number of events or students, or groups of students (i.e. 6<sup>th</sup> graders, or 50% of Junior High students) that will occur or participate in the stenciling event. (Resolution item 2.a)

Comment #12 – Concern that business-site visits alone will not result in cleaner stormwater runoff (MCC, pg. 11, 1<sup>st</sup> bullet).

WB Response #12 - This comment relates to BMP 6.11 and 6.17, in the SWMP's Public Education and Outreach section. The City's BMPs do not address the business community only with site visits. The BMP includes site visits and providing educational information and materials. The city will also be conducting advertising to industry and public service announcements, which have proven over time, that getting information to people results in changed behaviors and paradigms. Additionally, site visits are the first step in the City's compliance and enforcement program (see SWMP, Appendix C, Stormwater Ordinance). BMP 6.11 and 6.17 are appropriate and should result in improved water quality. With respect to the larger question of this SWMP's effectiveness, one should remember that the education BMPs are only one component of the SMWP. The City has also adopted a Storm Water Ordinance which bans illegal and illicit discharges, requires storm water protection measures, and contains enforcement actions.

Comment #13a – Commenter notes that public awareness surveys are followed by the City “document(ing) and analyz(ing) results”, which is does not discuss how the information will be used. The information should be used to improve the SWMP (MCC, pg. 11, bullet 2).

Comment #13b– The City provides their reasons for not wanting to make Required Revision No. 28. The revision directs the City to conduct two similarly constructed public surveys in two different Permit years. It also adds two written mail-out surveys. WB staff question why the SWMP calls for a change in survey location between the City's first and second surveys. The City points out that the Permit requires two public awareness surveys (not four), and they reveal that their first survey, conducted in 2005-2006 Reporting Year, was not successful. Therefore, the City does not want to pattern the second survey to match the first.. The City does not comment on the last sentence of Required Revision No. 28, “Document and analyze results to determine if SWMP BMPs should be modified.” (City, Response #28)

WB Response #13 - We agree with the MCC comment, and touched upon the same in the Table of Required Revisions No. 28, which required the addition of the wording, “...Document and analyze results to determine if SWMP BMPs should be modified”. The City's reasoning for not modifying the survey methodology to make the second survey match the first survey is acceptable, however the City needs to explain how the second survey information will be

used. WB Staff edit Required Revision No. 28 to recommended this required modification to the SWMP: “The City must add language to BMP “6.11 and 6.17” that addresses the need to utilize the survey information to modify, improve, or verify the applicability of the current BMPs.” (Resolution item 2.b)

Comment #14 – Commenter requests more details about how the City is promoting water conservation and reduced urban water runoff to the City’s youth (MCC, pg. 11, #4 (first half)).

WB Response #14 - WB staff agree these are viable topics to consider, but the City the City may choose areas they will focus on to maximize storm water quality protection. The City has prepared the SWMP considering the permit requirements and pollutants of concern and has not found these areas to be critical for effective implementation. WB staff encourages commenters to discuss the benefits of targeting youth on these specific issues with the City and help the City evaluate if they should add or prioritize this over other chosen audiences and issues for public education and outreach..

Comment #15 – Commenter requests more details about watershed education outreach to youth (MCC, pg. 11 #4 (second half)).

WB Response #15 - According to SWMP pg 6-21, BMP 6.15a and b, the education materials were developed in Year 2 (i.e. 2007). WB Staff recommended this required modification to the SWMP: The City should provide references or the actual material that was developed for teachers and school children. The material may be posted on-line, and a reference included in the SWMP, or available in some other manner that the public can access. (Resolution item 2.c)

Comment #16 – Commenter states that the City should include more outreach to all citizens, and cites the City of Monterey as having a strong outreach program that the City should use as an example (MCC, pg. 11, #5).

WB Response #16 - WB staff finds the City’s proposed outreach program to be adequate except for the recommended Required Revisions to the SWMP. We have, and continue, to encourage the City to collaborate with the City of Monterey and other Monterey Regional storm water municipalities.

Comment #17 – Commenter encourages the City to work toward regional watershed management, and to draw upon City of Monterey’s experience in doing so (MCC, pg 12, 3<sup>rd</sup> paragraph).

WB Response #17 - As stated in WB Responses # 16 (above) and #50 “Upstream Agricultural Runoff” section, we encourage collaboration, yet cannot require it. While the City may be able to improve or expand regional watershed

management, WB staff finds the SWMP approvable without explicit regional watershed management BMPs.

### **3. The SWMP is too vague**

Comment #18 – The Pesticides Hazard and Exposure Reduction (PHAER) approach referenced in the SWMP is unclear (MCC pg 5, bullet #6).

WB Response #18 - We agree, and addressed this concern in our Required Revision #10, which requires the City to fully explain this approach.

Comment #19a - Referring to the LID Development Standards section (Element 4) the commenter found “The SWMP is a vague, aspirational document that contains no implementable standards or requirements”. Referring to Table 4.3, NRDC says (pg. 5) most of the action items are quite vague... many of the anticipated completion dates are still month or years into the future despite the Permit’s having been issued in early 2005” (NRDC, pg. 2)

Comment #19b – The City comments that each Summary of Best Management Practices table in the SWMP has a column labeled “Year” which indicates the year during which each BMP will be completed. When more than one year is shown in the Year column, the BMP will be completed in each of the years shown.

WB Response #19 - We recognize that the SWMP does not contain LID Development Standards, and we do not see this as a reason for rejecting the SWMP; see discussion responses in all of Section 1 of this document, “Low Impact Development Standards and Technical Memorandum.”

With regard to Comment #19a reference to completion dates, WB staff finds that the SWMP generally includes measurable goals and implementation years in each SWMP section table. There are some BMPs that are lumped together and thus do not have individual implementation years for each item within the BMP. To insure the SWMP is not vague and does contain implementable requirements, WB staff questioned this aspect of the SWMP in the original Required Revisions (See Attachment 4 to the Staff Report, Required Revisions # 2, 11, 12,17, 23, 24, 27, 37) and the City addressed them adequately in their Dec. 3, 2007 response letter (comment #19b, above). Regarding the concern that some dates are months or years into the future, this SWMP revision is responding to a 5-year Permit requirement. It is acceptable for a municipality to implement BMPs over the permit term.

Comment #20 – Element 3, “Municipal Maintenance”, BMPs and implementation plans are vague and not coupled with any measurable implementation goals (MCC, pg 3).

WB Response #20 - The examples the commenter cites are from sections from the SWMP's "Strategy" section, not the BMP tables. The Goals and the Strategy sections of the SWMP lay the foundation, upon which the City based its choice of BMPs and implementation goals. The Municipal Maintenance BMPs do include measurable implementation goals in the SWMPs Table 3.7 Summary of Best Management Practices

Comment #21 – The commenter requests the City explain how pesticides will be emptied from pesticide tanks in BMP 3.31, pg. 3-56 (MCC pg. 6, 1<sup>st</sup> bullet).

WB Response #21 - We concur. WB Staff recommended this required modification to the SWMP: the City should add such wording to the BMP 3.31. For example, "Pesticides tanks will be emptied by flushing all pesticide residue to the industrial sewer system after the application process is completed." (This may not be accurate but is used for demonstration.) (Resolution item 2.d)

Comment #22 – The commenter asks what else the City is doing to ensure that pesticides and fertilizers do not enter water bodies (MCC pg. 6, 1<sup>st</sup> bullet).

WB Response #22 - WB staff finds that the SWMP BMPs adequately address control of pesticides and fertilizers except for the required revisions as discussed in WB response #21 above.

Comment #23 – The BMP 3.25 reads, "Eliminate all use of chemicals..." and gives location and conditions. The question is how the goal will be achieved, and by whom (MCC pg. 6, 2<sup>nd</sup> bullet).

WB Response #23 - This BMP is in the Municipal Maintenance section of the SWMP. We see "eliminate" as meaning "the City will not use" the chemicals. The implementers are listed at the bottom of the Measurable Goal, on the next page, pg. 3-50. We feel this is adequate information to answer the question of who will not be using the chemicals.

Comment #24 – City responds to WB Required Revisions No 2, which required better description of when BMPs would be completed and an explanation of "year 1", "year 2", etc. SWMP references. City explained the BMP due dates, but did not address the need for defining "year 1, etc." references (City, Response 2).

WB Response #24 - There is still some confusion about SWMP reference of Year 1, Year 2, etc. The City needs to tie the SWMP year to an actual calendar year. WB Staff recommended this required modification to the SWMP: the City must define the permit years (ie. Year 1, Year 2...) in terms of calendar years, with Permit Year 1 being 2005. This requirement may be met by placing a note defining the Permit Year in the heading of each Summary of Best

Management Practices table. Alternately, the City may address this requirement in some other appropriate manner. (Resolution item 2.e)

#### **4. Public Participation**

Comment #25 – No opportunity for public participation (presumably in the Design Standards and response to Tech Memo) (NRDC, pg 2, para. 1).

WB Response #25 – WB staff, legal counsel, and Board members have emphasized to the City the importance of including the public in the Storm Water Management Program. WB staffs have fielded several calls from the stakeholders working with the City in the Storm Water Development Standards group, who feel the City staff has not been responsive to stakeholder input. In light of the historical concerns and ongoing complaints, staff recommends that SWMP Element 6 must include a BMP that requires the following: City will make all reasonable attempts to provide a 30-day or more public notice and opportunity for public comment for stormwater- or riparian protection-related documents prepared for City Council adoption. At the minimum, City will provide a 15-day public review period for storm water- or riparian protection-related ordinances, standards, and modifications to the SWMP. The City will provide advance notice to interested parties of documents that will be available and when they will be available for public review. The City must clearly communicate how public comments were evaluated and used to change documents. Substantive public comments must be addressed in a timely manner by City staff in a written format. The measurable goal(s) will include compliance with this BMP, and reasonable public satisfaction (demonstrated by lack of substantive complaints) regarding the public's opportunity to provide input and the City's consideration of that input.

Comment # 26 – City states that they will make all reasonable efforts to provide a thirty (30) day public review period, but cannot be bound by Required Revision No. 43, which requires a 30-day public notice and opportunity for public comment for storm water-related documents prepared for City Council adoption.. They believe the requirement is not appropriate as a BMP under the City's permit, and is not necessary because the public may comment on any approved document at any time on ordinances, resolutions and other stormwater documents. They state that City staff is committed to addressing any comments received. Additionally, the City has convened a stakeholder group who is involved in creating the Stormwater Development Standards. The City claims that public participation will not serve to reduce the discharge of storm water pollutants to the MEP, and that neither the City's NPDES Permit, nor the Code of Federal Regulations requires a minimum public notice and comment period on stormwater-related documents prepared for Salinas City Council (City, Response #43).

WB Response #26 – See WB Response #25, above.

Comment #27 – The Technical Memorandum was not posted (NRDC, pg 2, para. 1).

WB Response #27 - The Technical Memorandum was posted July 30, 2007, and remains on the Water Board website: [http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase\\_1/Index.htm](http://www.waterboards.ca.gov/centralcoast/stormwater/municipal/phase_1/Index.htm).

Comment #28 – Commenters state that other agencies that will engage in project design reviews should be listed in the SWMP. They also said that the City should identify when in the process this review will occur, e.g., before preliminary approval or after changes to site design are no longer possible (MCC, pg. 7, #2).

WB Response #28 - The SWMP does not list outside agencies that will participate in development review, other than the review required by the CEQA process, Monterey County Local Agency Foundation (LAFCO), or other standard oversight. The City explained the following process in their Dec. 5, 2007 letter to the Water Board: For the Future Growth Area plans and other large projects, the City is preparing a Sphere of Influence amendment and annexation request which includes a general scope of the project. These general designs are presented for LAFCO approval, then are provided to Salinas City Council for approval. After council approval, they are provided to the public, along with an EIR for review. According to the figure on page 4-22 of the SWMP, smaller projects (compared to the Future Growth Area) would go through public review, via the CEQA process, after the developer's application is deemed complete by City staff. Changes in design at that point would depend on public input and concern. Based on this information, staff finds the SWMP is adequate as written.

### **5. Inflows and infiltration to sanitary sewer**

Comment #29 - Commenter suggests the SWMP does not provide an implementation plan to address sanitary system overflows (MCC, pg. 4, No. 3 and 5).

WB Response #29 - The SWMP states City has not had a history of significant sanitary sewer overflows (pg. 3-9). The positive record is attributed to good City maintenance. The commenter criticizes vague language, which is found in various locations in the descriptive text of the SWMP. More specific language is located in the Summary of Best Management Practice tables included in each chapter. The SWMP BMP No. 3.2, which includes improving sewer mapping (completed), which will allow better scheduled maintenance and spill-tracking. SWMP BMP 3.2 also requires the City to conduct yearly inspection and cleaning of inlets, and recording maintenance requirements and schedules. Staff finds the SWMP BMPs adequate to address sanitary system overflows.

Comment #30 – Commenters expressed concern that term “visual scan” at “sites where trash and other pollutants have been a recurring issue” is unclear in BMP 3.4 and suggest the SWMP should include guidelines as to what city staff should look for and what city staff should do if they find something. (MCC, pg. 5, 2<sup>nd</sup> bullet).

WB Response #30 – Staff finds the wording in the SWMP to be understandable when read in context and the BMP appropriate. With regard to the finding problems, the City plans to document maintenance issues and findings, and provide the written documentation to the Director of Maintenance Services, who is in charge of directing field crews to do maintenance and cleaning, and to report findings in the Annual Report, which is public information and is reviewed by WB staff. These appear to be reasonable courses of action. The same crew and supervisor that are recording the problem areas, are also cleaning up catch basins and hot spots (BMP 3.3 and 3.5), conducting trash removal (BMP 3.15), and are involved in trainings (BMP 3.37). It is in their best interest in terms of time spent cleaning up, to find ways to limit the illegal dumping and increase public awareness. We suggest the following additional wording be included in BMP 3.4: “The reported information will be used to tailor Public Education and Outreach BMPs in future years. The lessons learned and City-responses or planned City-responses to lessons learned will be included in the Annual Report.” (Resolution item 2.f)

Comment #31 – Commenters expressed concern about spill response not being measurable, and protocol not being well described (MCC, pg. 5, bullet #5).

WB Response #31 - “Spills responded to 100% of the time” (BMP 3.13) is measurable; however, as worded, it may not be *achievable* because City will likely not be aware of 100% of the spills. A simple change of wording would make this a more accurate and achievable statement. We recommend, “The City staff will respond to 100% of the reported spills, using the Spill Convention and Response Plan (SCRIP)”. To address improving the description of the SCRIP protocol, we recommend the City include the cross-referenced document, or post to the City website the full web address provided in the SWMP at the document reference location in the SWMP. (Resolution item 2.g)

Comment #32 – Commenters encourage the City to collaborate with the City of Monterey for inspection resources (MCC, pg. 12, first paragraph).

WB Response #32 - The City currently uses inspectors from the Monterey Regional Water Pollution Control Agency. The WB staff and Tetra Tech’s 2003 City stormwater program audit found the inspection program was commendable.

## **6. Referencing Other Documents**

Comment #33a – Commenters express concern about the references to other documents, referring to Table 4.3, “most of the action items...refer to the numerous other documents that the City is relying on to achieve compliance with its NPDES Permit.” (NRDC, pg. 5)

Comment #33b – Commenters criticize City’s plan for using California Stormwater Quality Association (CASQA) BMPs without adaptation (MCC, pg 3, #2).

WB Response #33 – All SW programs are supposed to encompass multiple areas of a City’s functions, as the Salinas SWMP does. EPA guidance directs municipalities to utilize and modify existing programs and authorities within a City’s influence to build a SW program. The result may be a complex system, and there may be multiple documents overseeing various portions of the program. This is true for Salinas’ program, and is not an error to be fixed, but is a realistic situation. WB staff has recommended the following required modification to the SWMP to address this: the City must include access to all referenced documents (Table of Required Revisions, #4, 5, 8, 10, 15, 18, 32), and the City has agreed to do this.

WB staff finds it logical and appropriate for the City to use outside resources such as CASQA because they likely save time and in this case are well regarded by most reviewers. The BMPs discussed by the commenter are primarily maintenance and housekeeping activities. WB staff finds the existing SWMP BMP No. 3.12 (pg. 3-36) adequate, which includes annual compliance inspections and reporting..

Comment #34 – Commenter requests references to sustainable “Smart Growth” solutions (NRDC, pg., 4 bullet 2).

WB Response #34 - The SWMP gives a fairly lengthy description of what “smart growth” encompasses, and references the General Plan and Zoning Code as utilizing Smart Growth principles (SWMP pg, 4-9, 4-10, 4-14, and 4-24). These references would be strengthened if the City provided citations. WB staff recommends the City make the following required modification: include in the SWMP the specific General Plan and Zoning Code citations that support Smart Growth principles. (Resolution item 2.h)

Comment # 35 – Commenter would like to review urban runoff pollution prevention information brochures (NRDC pg 4, bullet 4).

WB Response #35 - WB staff contacted City staff on Dec. 11, 2007 and learned that City staff will be posting electronic versions of brochure(s) as a result of this comment.

## **7. Reclamation Ditch**

Comment #36a – Commenters state the Reclamation Ditch is a manmade channel and should not be classified as natural creek or stream. Maintenance is necessary, including clearing, compaction, excavation, for flood passage and applying creek-type of protective measures would impede flood maintenance activities (MCWRA).

Comment #36b – Commenters state the Reclamation Ditch currently lacks capacity to handle runoff. Increased development leads to more runoff; identifying weaknesses in existing infrastructure should be a key element in managing stormwater but is not addressed in SWMP (MCC, pg. 2 #2).

Comment #36c – Commenters responded during the second comment period to the MCWRA’s request that reference to the Reclamation Ditch be removed from the SWMP. NOAA stated that the Reclamation Ditch is a water course that links five creeks flowing into the City, with the downstream Salinas River channel and Monterey Bay. If the Reclamation Ditch is excluded, riparian-protective BMPs would not apply to that portion of the watershed (NOAA).

WB Response #36 – The Reclamation ditch is a segment of Alisal Creek, which was dredged and de-vegetated as agricultural operations and urbanization entered in the Salinas basin. The channel continues to be used as a storm water and flood conveyance system. However this does not erase the fact that it once functioned as a creek, and deserves protection as a water of the state. We agree with NOAA’s analysis of the Reclamation Ditch segment of Alisal Creek as a functioning portion of a connected natural water system. Our mandate is to protect waters of the state, therefore we maintain that the Reclamation Ditch section of Alisal Creek should be included in stream-protective BMPs.

All commenters stated that the Reclamation Ditch does not have sufficient conveyance capacity to meet current, and future build-out needs. WB staff have emphasized that in order to meet MEP, the City must consider LID, and the SWMP incorporates LID through a number of BMPs, and primarily by requiring the Stormwater Development Standards. LID methodologies of on-site infiltration, minimal impervious surface in future buildings and significant retrofit will help mitigate Reclamation Ditch flood concerns.

## **8. Creek and Riparian Setbacks**

Comment #37 – WB’s Required Revisions don’t allow protection of public safety and welfare (flooding). General Plan Policy COS-17 100-foot setback applies to Gabilan and Natividad and “other streams” in the planning areas (outside of the current City boundary), but doesn’t apply to the Reclamation ditch or creeks within the City’s existing boundary (City Response #39).

WB Response #37 - The Central Coast Region Water Quality Control Plan (Basin Plan), requires landowners to maintain, whenever possible, an undisturbed soil and riparian vegetation zone bordering watercourses, lakes,

bays, estuaries, marshes, and other water bodies. For construction activities, the minimum width is thirty feet. (see Basin Plan, V.g.4 in: [http://www.waterboards.ca.gov/centralcoast/BasinPlan/BP\\_text/chapter\\_5/Chapter5.htm#\\_Toc4928781](http://www.waterboards.ca.gov/centralcoast/BasinPlan/BP_text/chapter_5/Chapter5.htm#_Toc4928781)). The Basin Plan is our regulatory document. WB staff recommends the following modification to the Required Revision No. 39, footnote 2, section 1.a:

<sup>2</sup> BMP for Stream, Creek, Riparian Zones, and Drainage Course Protection.

- a) Development, including clearing, compaction, excavation, construction of buildings, fences and walls, shall be setback a minimum of 30 feet whenever possible from the top of bank for Santa Rita Creek, Natividad Creek, Gabilan Creek, and Alisal Creek including the section called “the Reclamation Ditch”, and other named or unnamed streams, creeks, riparian zones, and drainage courses.
- b) Setbacks on Gabilan and Natividad Creeks and other streams in the planning area will be regulated according to Salinas General Plan COS-17, pg. COS-51, Sept. 2002 version, <http://www.ci.salinas.ca.us/CommDev/GenPlan/GenPlanFinal/GPindex.html>
- c) Exceptions may be made through application of a conditional use permit and based upon consideration of recommendations from a Phase I Archeological Study; a biology report; and a hydrogeomorphology report.

2. Fences and other structures such as culverts, walls and bridges which must be constructed within the floodway shall be designed in accordance with all applicable best management practices so as to prevent an obstruction or diversion of flood and drainage flow and to minimize adverse effects to natural riparian habitat. Fences may be permitted in the Development setback if designed to allow for wildlife passage and the unimpeded flow of water.

3. Clearing of significant vegetation canopy cover or herbaceous ground cover; removal of any native plant species within the riparian area is prohibited within the Setback area. A tree permit may be requested for trees potentially affecting public safety.

4. Existing agricultural operations are exempt from creek setback standards established herein.

5. Exceptions to the requirements established in this section can be made only upon a finding that its application would violate federal and state law.

(Resolution item 2.i)

## **9. Construction Site Management**

Comment #38 – Commenters asked how will the City correct construction sites that do not install proper or timely BMPs? (MCC pg. 9, #7)

WB Response #38 - City will address infractions under the legal authority they have established. Refer to the City's Stormwater Ordinance (SWMP Appendix C.2), Section 29-15(g), Section 29-28, and Section 29-29.

Comment #39 – Commenters asked how the City reviews construction projects, and how do developers know what regulations they need to follow? (MCC pg. 9-10, #8)

WB Response #39 - The construction site managers/developers must follow the Grading Standards (included in the SWMP, Appendix C.3), and State Water Resources Control Board General Construction Permit (if sites are over 1 acre). To help site managers understand the requirements, the City will tailor their public outreach and education program to address this need. See WB Response #8, and SWMP page 6-4, last paragraph. To answer the question about how the City reviews construction sites, please see SWMP pages 5-6 through 5-8. Additionally, in answer to the general concerns about the construction inspection program, WB staff worked with an independent auditor in 2003 to review all of the City's stormwater program elements. The audit did not reveal deficiencies with the City's construction oversight and inspections program.

Comment #40 – Commenters asked how the SWMP BMPs uphold the stated objective of, “protect waterways and stabilize drainage ways” (SWMP pg. 5-4). (MCC pg. 9, #4)

WB Response #40 - WB staff also found the BMPs for this objective to be unclear. Our search for supportable actions brought us to the Grading Standards, Section 2(g and h), pg. C-72 which comes close, by requiring “The property owner and the person(s) doing or causing or directing the grading are responsible for protecting down-stream areas... that could be affected by the grading”. Section H explains that protection may be accomplished by using BMPs that protect adjacent watercourses from damage by erosion, flooding or deposition of mud or debris. This wording is loose, and the definition of “could be affected”, and choice of BMPs are open to interpretation by the public conducting the work. WB staff recommend the following required modification to the SWMP: The City must provide information that clarifies and makes it easily understand which SWMP BMPs support the stated objective of “protect waterways and stabilize drainage ways” (SWMP pg. 5-4) (Resolution item 2.j)

Comment #41a– Commenter states criteria of “high priority construction sites” is unclear (SWMP, pg. 5-7). The commenter provides SWMP citations, and one scenario, (“...if a site has no grading involved but is adjacent to a water body is it still considered a low priority although there is no grading occurring in construction?”). (MCC pg. 9, #5)

Comment #41b – The commenter questions guidelines of what a “tenant” or “tenant improvement” is (SWMP, pg. 5-7). (MCC pg. 9, #6 (first half of comment))

WB Response #41 - WB staff found the high-priority SWMP citations to be clear, and generally feel that “tenant” and “tenant-improvement” are well understood. With regard to the low-priority definition, we agree that the commenter has pointed out an example situation that would need clarification. Likewise, there may be some unusual cases where “tenant” or “tenant-improvement” comes into question. In most regulatory frameworks, even with criteria spelled out very carefully, there tend to be areas where interpretation of the wording becomes necessary. Rather than require the City to try and foresee all scenarios and interpretations, we believe it would be more instrumental for the City to discuss the decision making process for interpretation of written standards such as those quoted by the commenter. WB staff recommends the following required modification to the SWMP: The City must provide a description of the protocol and party responsible for determining or interpreting disputed high- and low-priority construction sites, and tenant improvement designations. (Resolution item 2.k)

#### **10. Long-term maintenance of post-construction BMPs**

Comment #42 – Commenter critiques SWMP for vowing to create and adhere to maintenance agreements that are yet to be developed. (MCC, pg. 8, bullet 4)

WB Response #42 - Devising long-term maintenance agreements for post-construction BMPs has been a challenge for many other municipalities; there are not widely-used, standardized methods in place at this time. It is reasonable for the City to first decide upon the Storm Water Development Standards requirements, and then determine what methods are most logical to ensure long-term maintenance. The SWMP commits to the actions which are necessary and logical, and commits to 100% of new and re-development utilizing the maintenance agreements. We feel the SWMP outlines reasonable commitments, which will be protective of water quality.

Comment #43 – Tenant improvements could very significantly reduce the amount of permeable surface on site. How will the City track and regulate this potentially significant impact? (MCC pg. 9, #6 (second half of comment))

WB Response #43 - We see that future negative impacts of this are possible but unknown, and thus we are not requiring a BMP to specifically address tenant improvements. We hope the City will consider this possibility and how they might respond in the Development Standards, creation of the maintenance agreement (see above) , retrofit requirements and through education and outreach.

## **11. Commercial and Industrial**

Comment #44 – Commenter expressed concern that the City’s oversight of agriculture production as an industry is not well addressed by the SWMP. (MCC, pg. 11, last paragraph)

WB Response #44 - The City’s Permit lists five “high risk” industrial categories, listed on SWMP pg. 7-2 and 7-3, which were Permit-identified categories. The City is required to focus on these categories, and has done so in their industrial inspection program and the SWMP. The agriculture production industry is not regulated by NPDES permits and thus was not included as one of the high risk categories. The City does oversee agriculture related industries, such as packing facilities, and holds these industries to the same standards as other high-risk industries. Over the last year, the City has been diligent in searching and solving illicit discharge issues that were traced to several agriculture-related businesses. Also see WB Response #50 in “Upstream Agricultural Runoff” section.

Comment #45 – Commenter says that City’s plans for inspecting “construction sites” commencing an additional four years from now are illogical. (MCC pg. 11 (bottom) and continuing to pg.12)

WB Response #45 - There are a couple of errors in the commenter’s statement that may help address their overall concern. First, SWMP pg. 7-6, section 7.4A, first paragraph is discussing *commercial facilities*, not construction sites. The commercial facilities were added to the City’s 2005 permit, and so are newer to the inspection program than the construction site inspection program, which was in place pre-2005. Second, the SWMP states that the inspections will commence after the “fourth year of the permit”, which would be year 2009. The commenter appeared to read the program would start four years after SWMP adoption, presumably in 2012. For requirements of better definition of “Year one”, Year two, etc., see “SWMP is too vague” response section WB Response #24.

## **12. Zoning Code update**

Comment #46a – Commenter questions why Salinas is waiting until the 4<sup>th</sup> permit year (2009) to update the Zoning Code, and why no explanation is given for waiting until this time to update the Code. (NRDC, pg. 3)

Comment #46b – Updating the City Zoning code is “anticipated” in 2008. This document is too important to not have a solid time frame. (MCC, pg. 7, No. 3, 1<sup>st</sup> bullet)

WB Response #46 - The SWMP, pg. 4-11, states that Kennedy Jenks’ suggested modifications will be “considered” in the 4<sup>th</sup> year. The related BMP on

page 4-30 (no BMP number given), says the Zoning Code revisions are anticipated in 2008. WB staff recommends the following required modification to the SWMP: The City must provide a solid date for this activity. If the due date is later than 2008, the City must provide justification for the extended time frame. (Resolution item 2.I)

### **13. Storm Water Mitigation Program and Waiver Program**

Comment #47 – Commenter asks for details on how the City will work with the County to create a regional storm water mitigation program. Commenter also asks for details on the waiver program (MCC, pg. 8, bullet 2 and 3).

WB Response #47 - The Permit's Attachment 4, Sections III.d and III.e provide an *option* for the City to appeal to the Water Board for a regional or sub-regional storm water mitigation program, and separately, to propose a Waiver Program. Since these are both options, and not requirements, we find it acceptable for the City to leave the BMPs on these issues vague.

### **14. Format and organization**

Comment # 48 – Commenters discuss that the BMPs, implementation plans, and measurable goals should be located in text instead of in table format or appendix. The commenter points out that the nature of BMPs, Implementation Plans and Goals are often mixed up. (MCC, pg 3 and 5, bullet #4)

WB Response #48 - During one of the earlier Drafts, our staff requested that the City place BMPs into a table format because we find it is easy to quickly reference. The City agreed to include a BMP table. However, in general we believe it is reasonable that municipalities may choose their SWMP format, provided it relays the information in a logical and complete manner.

WB staff agree that the BMP descriptions, Implementation Plans and Goals could use a fair amount of editing and reorganization. However, we have determined that, when the SWMP is adopted, the City is held to all of the content of the document, despite the location of the information. We believe that although the SWMP organization could be improved, the content is organized to enough of a degree to understand the intention, purpose, and activity, and we do not think it will benefit water quality to delay SWMP adoption while addressing editing concerns.

### **15. Training**

Comment #49 - SWMP should state who at the City is in charge of leading (planning and conducting) trainings so that the trainings have continuity. (MCC, pg.4 #4)

WB Response #49 – The comment might be applicable to some of the training-based BMPs, such as BMP 3.35. However, other training-based BMPs, such as 3-38, do provide information on who is planning trainings. The City has included measures of success ( $\geq 85\%$  attendance and  $\geq 75\%$  correct on post-test), therefore we are willing to accept that there will be a reasonable level of oversight and that the City will utilize the most logical presenter. Furthermore, as training topics evolve to meet educational needs, the training coordinator and presenter may vary.

#### **16. Upstream Agricultural runoff**

Comment #50 – points out that agriculture runoff contains pollutants, yet the issue is not addressed in the SWMP (MCC, pg 3)

WB Response #50 - Agriculture runoff and upstream pollutant sources are outside of the City's authority to manage, and therefore are not addressed other than acknowledging these sources in the SWMP. The WB staff cannot require the two entities to work together, however our staff has encouraged the City and the Agriculture community to work together to locate (and subsequently address) pollutant sources through the entities' two water quality monitoring programs. There has been some activity in this direction, yet there is room for much more collaboration. Also see WB Response #43 in Commercial and Industrial section.

#### **17. Draft Ordinance and Standards versions included in SWMP**

Comment # 51 – Commenter requests final versions of Ordinances and standards documents. (NRDC, pg 4, bullet 3)

WB Response #51 – See Attachment 4 to this Staff Report, Table of Required Revisions, item No. 41

#### **18. Typographic errors, omissions**

Comment #52 – The commenter questions Permit Section V.e. citation accuracy. (MCC pg. 6, 1<sup>st</sup> bullet)

WB Response #52 - The commenter is correct, this citation should match the Permit language, "Implement appropriate requirements for pesticide, herbicide, and fertilizer applications." WB Staff recommends the City make this modification to the SWMP. (Resolution item 2.m)

#### **19. LID-compatible trees**

Comment #53 – The commenter (City) explains that Required Revision number 12 is not necessary because the City has adopted street tree lists that only include LID-compatible trees. Since the list only includes LID-compatible trees,

and all development will use only listed trees, then additional BMPs (or required revision for the exiting BMPs) are not necessary. (City, Response 12)

WB Response #53 – Staff agrees that the City’s LID-compatible tree list is adequate to address the concern related to Required Revision No. 12. Staff removes this requirement.

**ATTACHMENT**

**2.a Water Board staff November 15, 2007 letter to the City of Salinas**

S:\Seniors\Shared\Storm Water\Municipal\Monterey Co\Salinas Phase I Permit\2008 Board items\February 2008\Salinas SWMP Approval and Status Report Final Documents\Attach 2 - Comments and Responses.doc